

# CRIMINAL DIVISION

The Criminal Division has three components: Violent Crime & Anti-Terrorism, White Collar Crimes and Drug & Immigration. The Violent Crime & Anti-Terrorism Group, or Group I, is responsible for prosecuting crimes in Arizona Indian Country pursuant to the Major Crimes Act and the Assimilative Crimes Statute and the Federal Juvenile Delinquency Act. Group I also prosecutes general federal crimes including firearms offenses, bank robberies, kidnapping and assaults on federal officers. The White Collar Crime Group, Group II, prosecutes crimes involving fraudulent schemes such as Medicare and Medicaid fraud, social security fraud and fraudulent investment schemes. The Drug and Immigration Group, Group III, prosecutes large scale drug trafficking offenses and illegal immigration re-entry and illegal immigrant smuggling offenses.

The cases listed below are representative of the cases handled by this office. Where a sentence is imposed, the sentence is governed by the federal sentencing guidelines established by the United States Sentencing Commission. The Commission is an independent agency of the judicial branch responsible for establishing sentencing policies for the federal judiciary. The sentence imposed is usually derived by the assigned offense level, the defendant's prior criminal history and specific offense characteristic of the crime.

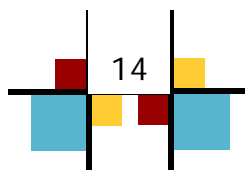
## MURDER

***UNITED STATES v. DELMER AUGUSTINE VAVAGES*** 25 years  
Charge: First Degree Murder

The 9-month-old victim was a ward of the Indian community and as such, was placed in the home of the defendant and his girlfriend. The defendant became angry when the victim would not stop crying. He shook and choked her and repeatedly threw her onto a bed. The victim lost consciousness and the defendant placed her in a crib. The victim died as a result of blunt force trauma. Defendant plead guilty to Second Degree Murder and was sentenced to 25 years in federal custody.

***UNITED STATES v. MARCELINO FIGUEROA*** Pending  
Charge: Second Degree Murder

The 22-year-old defendant was playing a form of "Russian Roulette" with his 16-year-old friend when the gun discharged. The defendant first lied to law enforcement about how the victim was shot. He then admitted that the two had been playing





# CRIMINAL DIVISION



a game in which they would take turns pointing the gun at each other and pulling the trigger. The victim died from a single gunshot wound. The defendant pled guilty to Second Degree Murder and is pending sentencing.

***UNITED STATES v. VERNON AUSTIN***

*178 Months*

Charge: Second Degree Murder

The defendant was convicted after trial of Second Degree Murder. On August 29, 1999, the defendant reported to the superintendent of the Navajo National Monument that he needed help for someone who was having trouble breathing. The superintendent found that victim dead at the nearby home of the defendant's father. The defendant told authorities that everything was fine until the victim suddenly suffered a seizure and stopped breathing. A subsequent examination of the victim revealed no evidence of a seizure, however, marks, consistent with fingertips, were found on the victim's neck and it was determined that the victim died of manual strangulation. The defendant and the victim had been together for a couple years and had a history of domestic violence.

***UNITED STATES v. DARREL BEAR EAGLE***

*168 Months*

Charge: Second Degree Murder

The defendant and the victim drank together on and off throughout August 6, 2001. In the evening, the two began to argue and the defendant was able to knock the victim down. While the victim was down, the defendant struck the victim multiple times in the head with the wooden handles of a pair of tree branch trimmers. The victim died as a result of blunt force trauma to the head. The defendant fled the scene and was apprehended trying to make his way to Nevada. The defendant pled guilty to Second Degree murder and was sentenced to serve 168 months in Bureau of Prisons custody.

***UNITED STATES v. DON DAVIS***

*151 Months*

Charge: Second Degree Murder

The defendant consumed alcohol with the victim and others which ultimately culminated in a disagreement and an initial assault between the victim and the defendant in which the defendant was injured. The defendant left the scene but later returned to the victim's home and stabbed her three times. The victim died as a result of her injuries. The defendant entered a guilty plea to Second Degree Murder and was sentenced to 151 months in prison followed by 5 years on supervised release.



## CRIMINAL DIVISION



### ***UNITED STATES v. DOUGLAS TREE***

*142 Months*

Charge: Second Degree Murder

The defendant was taking care of his girlfriend's 18 month old daughter when the child became fussy. The defendant, in an attempt to control her, struck her in the mid-section with his palm. The child began to vomit and have trouble breathing. The defendant waited several hours for the mother to return home from work. She immediately took the child to the hospital. The child was hospitalized on life support, suffering from a perforated duodenum and a sub-dural hematoma. It was also determined that the child had a fractured clavicle and fractured ribs. The child later died from her injuries. The defendant pled guilty to Second Degree Murder.

### ***UNITED STATES v. GABRIEL MARTIN***

*48 Months*

Charge: Second Degree Murder

Defendant was convicted of voluntary manslaughter for stabbing and killing his brother during a fight. Evidence indicated that defendant's older brother, the victim, was beating the defendant. Defendant, during the fight, grabbed a kitchen knife and stabbed the victim three times. Defendant received a sentence of 48 months.

### ***UNITED STATES v. BRUNO JAMES***

*253 Months*

Charge: Second Degree Murder

Defendant, after a fist fight with the victim, chased and tracked the victim down in the snow. He then shot the victim several times killing him. Defendant pleaded guilty to murder in the second degree. The defendant was sentenced to 253 months in federal custody followed by 4 years on Supervised Release.

### ***UNITED STATES v. AL'SHONNIE HATATHLIE***

*33 Years*

Charges: Second Degree Murder

Use of a Firearm

The defendant was drinking with the victim when they began arguing. They eventually ended up at the defendant's home where they were met by the defendant's friend. The defendant asked his friend if he could drive he and the victim somewhere to drink more beer. The defendant hid a .22 caliber rifle inside of his jacket and undetected, later put the gun in the bed of the pickup. The group drove approximately 2-3 miles and the defendant told the driver to pull over. He then quickly exited the truck, went to the bed of the pickup and retrieved the rifle. The victim also got out of the truck and the defendant fired 2-3 shots to the front of the victim's body. The victim started walking away and the defendant got back in the truck, reloaded the rifle and told the driver to follow the victim. The victim was lying on the ground face down



## CRIMINAL DIVISION



when the defendant left the truck, walked up to the victim and fired 3 shots to the back of the victim's head, killing him. The defendant later enlisted a couple of juveniles to help him bury the victim's body where he lay undiscovered for several months. The defendant entered a guilty plea to Second Degree Murder and Use of a Firearm.

***UNITED STATES v. MANNY STEWART***

*198 Months*

Charges: Second Degree Murder  
Use of a Firearm

The 18-year-old defendant was in a gang dispute with the victim and his gang. As a retaliatory act, the defendant's gang came to the home where the victim and his friends were staying. The two gangs then started arguing and having physical fights. The defendant pulled out a gun and shot the victim, causing his death. The defendant pled guilty and was sentenced to 198 months in prison.

***UNITED STATES v. HARRY YAZZIE***

*87 Months*

Charge: Second Degree Murder

On or about July 7, 2001, Yazzie drove by his estranged wife's home near Tuba City, Arizona. He observed a car that he did not recognize parked outside, let himself into the house with a key he still had and confronted his wife, who was standing in the kitchen. She told him to whom the car belonged. The defendant became enraged, hit her and stabbed her in the hand which went through the hand and cut her chest. She suffered serious bodily injury as a result of the extreme physical pain. The defendant, still in a rage, went looking for the male car owner and found him in the bedroom. He physically assaulted the male and then chased the victim through the kitchen. As they reached the outside door, the defendant grabbed the male victim by his ponytail and stabbed him in the neck. They wound up outside. The defendant reentered the trailer, looking for his wife. The couple's children tried to stop their father but could not. One of the children retrieved a .22 caliber gun and shot Yazzie in the knee to protect the mother. Only then did the defendant stop. The neck wound suffered by the male victim caused him to lapse into a coma and ultimately led to his death. Yazzie entered a plea of guilty to Manslaughter and Assault with a Dangerous Weapon. He was sentenced to 87 months in custody followed by 3 years of supervised release.

***UNITED STATES v. LESLIE VANWINKLE***

*151 Months*

Charge: Murder Second Degree

Defendant was the son of the victim, a man in his seventies. Defendant, angry that his father had put his cat outside in the cold, beat the victim to death with his fists. Defendant was convicted of murder in the second degree and sentenced to 151 months of confinement.



# CRIMINAL DIVISION

## ***UNITED STATES v. PRESTON PETERS***

*18 Years*

Charge: Second Degree Murder

The defendant and juvenile co-defendant entered the victim's home to threaten and harass someone that had previously caused them problems. They encountered the victim, an adult male, and shot and stabbed him. The defendant pled guilty to 2<sup>nd</sup> Degree Murder and 924(c), Possession of a Firearm During a Crime of Violence. He was sentenced to 18 years in prison.

## MANSLAUGHTER

## ***UNITED STATES v. LEANDER KAY JONES***

*10 Months*

Charge: Involuntary Vehicular Manslaughter  
Assault Resulting in Serious Bodily Injury

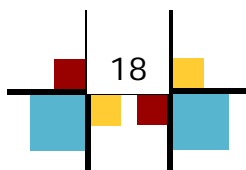
On January 1, 2001, the defendant and three juvenile males spent the day drinking and driving around the San Carlos Apache Indian Reservation. After dropping off one of the juveniles, the defendant lost control of his car on a curve. The defendant was unable to regain control of the car and continued to travel over 1,200 feet on the road and both shoulders. The car ultimately rolled over on the passenger side and hit a small tree. The victim, a 15 year old juvenile, was partially ejected from the vehicle. The victim died on the way to the hospital as a result of blunt force injuries. At the time of the crash, defendant was speeding and under the influence of alcohol and marijuana. The defendant pled guilty to involuntary manslaughter, was sentenced to serve 10 months in Bureau of Prisons custody, and ordered to perform 200 hours of community service.

## ***UNITED STATES v. CHRISTOPHER CROMWELL***

*121 Months*

Charge: Voluntary Manslaughter  
Use of a Firearm in a Crime of Violence

On April 30, 2000, the defendant was at the home of the victim in McNary, Arizona, drinking alcohol. At some point, the defendant went home and continued drinking. His girlfriend, who was at the victim's home earlier, came home and found the defendant angry. The defendant found a .22 caliber rifle and pointed it at his girlfriend. She attempted to grab the rifle, however, he tossed her to the ground and went outside and fired the rifle. She and two other women left the home and joined the victim in the front of the house. The defendant followed them and fired the rifle into the ground near where the group was standing. The victim attempted to protect his wife by moving her out of the way and reaching for the rifle. The defendant caused the rifle to fire, killing the victim. The defendant entered a guilty plea to volun-





## CRIMINAL DIVISION



tary manslaughter and use of a firearm in a crime of violence. He was sentenced to 37 months for voluntary manslaughter followed by 84 months for the firearms offense.

### ***UNITED STATES v. GATEWOOD***

*51 Months*

Charge: Voluntary Manslaughter (2 Counts)

On December 26, 1999 Gatewood had been drinking with the 20 and 21 year old victims and others at Little Bear Lake on the White Mountain Apache Indian Reservation. The defendant had consumed a large quantity of alcohol which placed his blood alcohol level well above the legal limit. The victims and the defendant left the lake. The defendant was driving well in excess of the posted 55 mph speed limit when he attempted to pass a second vehicle. The defendant lost control of the vehicle and it went off of the road, ejecting the defendant and the two victims. Both victims suffered serious injuries resulting in their death. The defendant had previously been convicted in tribal court of DUI in 1995 and 1999. He did not have a valid driver's license at the time. The defendant plead guilty to two counts of voluntary manslaughter.

## ASSAULT

### ***UNITED STATES v. DANIEL LUJAN DIAZ***

*Incompetent/Custody*

Charge: Assault with Intent to Murder

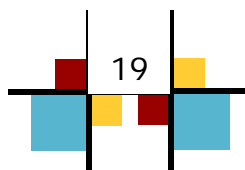
The defendant was charged with Assault with Intent to Murder after stabbing an 18 year-old victim in the neck with a knife on July 25, 1999. The victim, who was left laying in his driveway with the knife lodged in his neck after the unprovoked attack, was rendered quadriplegic and is now dependent on a respirator. The defendant was found incompetent to stand trial due to mental illness (18 U.S.C. § 4246 and 4247) and thereafter committed to the custody of the Attorney General due to dangerousness (18 U.S.C. § 4246) where he will remain until he is no longer found to be a danger.

### ***UNITED STATES v. BOYD BYLAS***

*16 years*

Charge: Aggravated Assault

The defendant was charged with multiple counts involving the assault of his girlfriend on at least 4 different times. The pattern of domestic violence against his girlfriend occurred over an approximated 5 year term. One of the assaults involved the defendant hitting the victim in the head with a 12-inch rock and refusing to allow her to seek medical attention for 7 hours. The victim suffered large intersecting gashes on the side of her forehead running from above





## CRIMINAL DIVISION



her hairline to the corner of her left eye. Other dangerous instruments involved in the assaults included a knife and an axe. The defendant pled guilty to one count involving the beating of the victim's head with a rock and one count involving him assaulting the victim with an axe. The court imposed the statutory maximum sentence of 120 months (10 years) in one count and a consecutive 72 months (6 years) in the other (the axe incident). Sentencing is pending.

***UNITED STATES v. CHARLES DIXON***

*37 months*

Charge: Assault Resulting in Serious Bodily Injury

The defendant got into an argument with the victim at another person's residence. After being pushed out of the residence, the defendant returned and stabbed the victim in the lower abdomen. The victim's injuries were serious and he spent over a month in the hospital as a result. The defendant pled guilty to one count of Assault Resulting in Serious Bodily Injury and was sentenced to 37 months in prison followed by 3 years of supervised release.

***UNITED STATES v. BARBARA HELEN NICKOLAUS***

*57 months*

Charge: Assault on a Federal Officer

The defendant led police on a high speed chase through the White Mountain Apache Reservation. At one point, the defendant's vehicle struck an officer's vehicle causing it to leave the highway and roll.

***UNITED STATES v. TONY MIX***

*Life Imprisonment*

Charges: Kidnapping

Aggravated Sexual Abuse

Assault with a Deadly Weapon

(7 counts total)

The defendant was convicted on September 28, 2001 by a jury after trial. The defendant, who was in a relationship with the victim, repeatedly beat and sexually assaulted her over a two and one half hour period. The doctor who treated the victim stated "this is the worst case of domestic violence I have ever seen in a living victim." Evidence at the trial revealed that for over a seventeen year period, Mix had been involved in violent relationships with three different women, including the victim, where he regularly beat and sexually assaulted all of the women to the extent they had to be hospitalized, and all three women suffered severe physical and emotional damage.



## CRIMINAL DIVISION



### ***UNITED STATES v. OWEN JOSE***

*37 Months*

Charge: Aggravated Assault

On July 2, 2000, the defendant became involved in a verbal confrontation with the victim on the Tohono O'odham Reservation. The argument escalated, and the defendant hit the victim on the head with a baseball bat, causing a massive skull fracture. He pled guilty pursuant to a plea agreement, and was sentenced to 37 months in prison on March 4, 2002.

### ***UNITED STATES v. JUVENILE***

*26 Months*

Charge: Aggravated Assault (Juvenile Delinquency)

On July 29, 2001, near Chui-Chu Village, on the Tohono O'odham Reservation, the defendant shot another tribal member with a .22 caliber rifle. The victim received a bullet wound to his upper chest. The bullet penetrated his chest and injured his lung. The defendant pled guilty to an act of juvenile delinquency on March 5, 2002, and was sentenced to 26 months in prison on May 16, 2002.

### ***UNITED STATES v. LIONEL HARVEY RUMALDO PESHLAKAI***

*30 Months*

*10 Months*

Charges: Assault Resulting in Serious Bodily Injury  
Assault With a Dangerous Weapon

Commencing on December 30, 1999 and continuing until December 31, 1999, Lionel Harvey and co-defendant Rumaldo Peshlakai were at a party at residence in Window Rock on the Navajo Indian Reservation. The party was also attended by the victim. During the party, Peshlakai accused the victim of being a gang member and spoke of his own affiliation with a rival gang. After midnight and outside the residence, Harvey and Peshlakai beat the victim about his head with their fists and hands. The two ultimately knocked the victim to the ground and proceeded to remove most of his clothing. The two then ran away leaving the victim unconscious, bleeding and partially naked in the street. The temperature was less than 32 degrees Fahrenheit at that time. The victim suffered significant head injuries during the assault. Harvey pled guilty to Assault Resulting in Serious Bodily Injury, was sentenced to serve 30 months in Bureau of Prisons custody and ordered to pay \$26,726 in restitution. Peshlakai plead guilty to assault with a dangerous weapon and was sentenced to 10 months. The assault ended the promising boxing career of the victim, a nationally ranked boxer in his age and weight class.





# CRIMINAL DIVISION

***UNITED STATES v. SHAWN KEE****63 Months*

Charge: Assault with a Deadly Weapon

Defendant stabbed the victim in the chest with a knife causing life threatening wounds. Defendant was convicted at trial for assault with a dangerous weapon and assault resulting in serious bodily injury. He was sentenced to a term of 63 months confinement. This case is currently on appeal to the Ninth Circuit Court of Appeals.

***UNITED STATES v. SHAWN BULLIS****18 Months*

Charge: Assault Resulting in Serious Bodily Injury

During the period of September 1 through November 30, 2000, the victim, an infant girl, resided with the defendant. One day during this period, the victim became restless and the defendant, the victim's mother, became overwhelmed with attempting to care for the infant and her four older brothers and sisters. While attempting to manage this situation in the family home, the defendant became mad and recklessly squeezed the baby's left arm just below the elbow with her right hand and thumb. At that instant, the defendant was trying to wrap the baby in a blanket. The victim suffered a fractured arm as a result of the defendant's conduct. The defendant pled guilty to Assault Resulting in Serious Bodily Injury and was sentenced to serve 18 months in Bureau of Prisons custody.

## ABUSIVE SEXUAL OFFENSES

***UNITED STATES v. BENJAMIN SNYDER****120 Months*Charges: Aggravated Sexual Abuse of a Minor  
Aggravated Sexual Abuse

During the period of July 24, 2000 through August 3, 2000, the defendant's wife was out of town working as an emergency medical technician. During the same period, the victim, a juvenile girl aged 16, was in the defendant's care in his home in Chinle, Arizona. While the two were in the defendant's home, the defendant used force to rape the young girl. The defendant told the victim not to tell her mother about the incident. The victim did not tell any one about the incident for several months because she had previously seen the defendant beat his wife and was afraid of him. The defendant pled guilty to Aggravated Sexual Abuse and was sentenced to serve 120 months in Bureau of Prisons custody.



## CRIMINAL DIVISION



### ***UNITED STATES v. WOODY GUSTINE DAVIS***

*108 Months*

Charge: Aggravated Sexual Abuse

Defendant was convicted of aggravated sexual abuse for molesting the 9 year old victim. He was sentenced to 108 months of confinement.

### ***UNITED STATES v. JUVENILE***

*(Until age 21) 39 Months*

Charges: Attempted Aggravated Sexual Abuse

Abusive Sexual Contact

Assault with a Dangerous Weapon with Intent to do Bodily Harm

The juvenile gained entry into the victim's apartment by pretending he was being chased and stating that he needed to use the telephone to contact the police. Once inside the victim's residence, the defendant grabbed the victim and held a butterfly knife to her face and neck. The defendant repeatedly threatened to "shank" the victim, and to slit her throat. The defendant grabbed some masking tape and forced the victim into her bedroom. The defendant fondled the victim's breasts and vagina. The defendant continued to hold the victim at knife point and threatened to put his mouth on her vagina and to force her to perform oral sex on him. The defendant plead guilty and was sentenced to imprisonment up to his 21<sup>st</sup> birthday, a period of 39 months.

### ***UNITED STATES v. MICHAEL MATTIAS***

*12 months and 1 day*

Charge: Sexual Abuse of a Minor

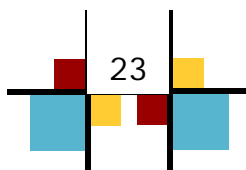
The defendant noticed his 14 year old cousin waiting for the school bus, and offered her a ride to school. The defendant drove to a secluded area and stopped the car. The defendant put his hand down the victim's pants and inserted his finger in her vagina. The victim was scared and unable to respond. The defendant plead guilty and was sentenced to a term of imprisonment of 12 months and 1 day, followed by 3 years supervised release, with sex offender conditions.

### ***UNITED STATES v. DANIEL RIOS***

*5 years imprisonment*

Charge: Probation Revocation of Sex Offender

The defendant was convicted in 1988 of several counts of abusive sexual contact with children under the age of 12. The defendant plead guilty and was sentenced to 5 years imprisonment on one count to which he plead guilty, and 3 years imprisonment on a second count to which he plead guilty, the terms of imprisonment to run consecutively. In addition, the was sentenced to 5 years probation on another two counts to which he plead guilty, the terms of probation to run concurrent to each other and to commence upon his release from imprisonment.





# CRIMINAL DIVISION



On January 9, 2001, the United States Probation Department filed a petition to revoke the defendant's probation. The petition alleged that the defendant violated his conditions of probation by being in possession of numerous sexually stimulating materials including child movies, certain books and magazines, and a photo album containing photographs of the defendant's victims. The defendant admitted using these items as masturbation props. The petition also alleged that the defendant violated his conditions of probation by having contact with children under the age of 18 and not reporting this contact to his probation officer. Specifically, the defendant entered a public restroom with the intention of observing a child's penis. The defendant admitted to purposely brushing against a child exiting the restroom in an attempt to become sexually stimulated.

After over a year of protracted litigation, the court found that the defendant had violated the conditions of his probation. On April 29, 2002, the court sentenced the defendant to a term of 5 years imprisonment.

***UNITED STATES v. JOSE HECTOR CELAYA***

*60 Months*

Charge: Aggravated Assault

The defendant shot the victim when he entered his home. The victim accused the defendant of molesting his sister and was telling the defendant to leave his sister alone. The defendant pulled out a gun and shot the victim, causing serious bodily injuries. The defendant pled guilty to Aggravated Assault and was sentenced to 60 months in prison.

***UNITED STATES v. JOSE MATTIA***

*5 years probation*

Charge: Abusive Sexual Contact

On March 19, 2001, defendant plead guilty to Count 2 of the indictment charging Abusive Sexual Contact in violation of 18 U.S.C. §§ 1152 and 2243(a)(3). On September 24, 2001, he was placed on supervised probation for 60 months, and ordered to live at a community treatment center for one year. The court imposed sex offender treatment conditions, including risk assessment and physiological testing; no victim contact, group and individual counseling, drug and alcohol treatment, and was ordered to abstain from the use of alcohol.



## CRIMINAL DIVISION

### AGGRAVATED SEXUAL OFFENSES

***UNITED STATES v. IVAN RAY BEGAY***

*302 months*

Charge: Aggravated Sexual Abuse ( 8 counts)

The defendant repeatedly sexually assaulted the two victims in their home during a night of terror. One of the victims had a tribal protective order against the defendant at the time of the assaults. The defendant entered a guilty plea to 8 counts of Aggravated Sexual Abuse. The initial sentencing guideline range was from 188 to 235 months. The court decided to make an upward departure from the guideline range based on the heinous nature of the numerous assaults against both victims and the serious psychological harm done to one victim.

***UNITED STATES v. JUSTIN TULLY TRACEY***

*210 months*

Charge: Aggravated Sexual Abuse

The defendant was an officer ("roadman" or medicine man) in the Native American Church. The defendant abused his position in the Native American Church to gain the trust of a child. He entered a guilty plea to aggravated sexual abuse of a child under 12 years of age. The defendant was sentenced to 210 months (17 ½ years) in federal custody.

***UNITED STATES v. SINKA LITTLEFISH***

*18 months*

Charge: Aggravated Sexual Abuse  
Aggravated Sexual Contact

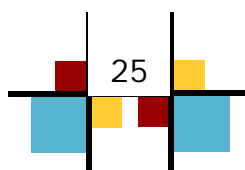
The defendant was indicted for aggravated sexual abuse and aggravated sexual contact on a female victim who was 8 to 9 years old at the time of the offenses. The defendant pled guilty to Abusive Sexual Contact and was sentenced to 18 months imprisonment.

***UNITED STATES v. RICHARD GEORGE STANDING ELK***

*12 months, 1 day*

Charge: Abusive Sexual Contact

The 18-year-old defendant was charged with the sexual touching of a 5-year-old child. The defendant pled guilty to Abusive Sexual Contact and was sentenced to 12 months and one day imprisonment.





## CRIMINAL DIVISION



### ***UNITED STATES v. JOSEPH NUNEZ***

*18 Months*

Charge: Sexual Abuse of a Minor

The 24-year-old defendant had consensual intercourse with a 14-year-old girl. The defendant pled guilty and was sentenced to 18 months in prison.

### ***UNITED STATES v. E. RUSSELL HAUPAL WHITE***

*13 Months*

Charge: Sexual Abuse of a Minor

This defendant was drinking and using drugs with the victim and other friends. The victim became intoxicated and passed out. The defendant had sexual intercourse with her. The defendant alleged that the intercourse was consensual. The defendant pled guilty to Sexual Abuse of a Minor and was sentenced to 13 months in federal custody.

## PROBATION/SUPERVISED RELEASE VIOLATIONS

### ***UNITED STATES v. SAMUEL WOOD***

*24 Months*

Charges: Involuntary Manslaughter (3 Counts)

In February 2000, the defendant was sentenced to serve 18 months in Bureau of Prisons custody for three counts of involuntary vehicular manslaughter. The original offense occurred after the defendant lost control of a car and crashed after drinking. Three of the defendant's passengers were killed as a result of the crash. During the period of July 1, 2001 through May 15, 2002, the defendant failed to comply with the terms of his supervised release on two occasions. The defendant admitted to violating the terms of supervised release on each occasion and was ultimately sentenced to serve a total of 24 additional months in Bureau of Prisons custody.

### ***UNITED STATES v. JOHN DOE***

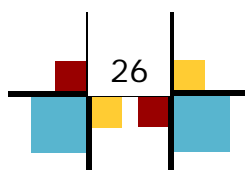
*43 months*

Charges: Assault Resulting in Serious Bodily Injury (2 Counts)

Assault With a Dangerous Weapon (2 Counts)

(Juvenile Delinquency)

In March 2000, the juvenile offender pled guilty to two acts of juvenile delinquency, Assault Resulting in Serious Bodily Injury, and was sentenced to probation until the age of 21 with a special condition that he reside in a residential treatment center for 24 months. The original offense involved the juvenile's beating of two women about their heads with a metal pipe. The juvenile was under the influence of alcohol during the assaults. In April 2002, the juvenile was found to have violated the terms of his probation and was sentenced to serve 43 months in Bureau of Prisons custody.





## CRIMINAL DIVISION



### ***UNITED STATES v. BRILL ANTONE***

*18 Months*

Charge: Sexual Contact with a Minor

Defendant was convicted of sexual conduct with a minor in violation of 18 U.S.C. §§ 1153 and 2243(a) on Aug. 12, 1998. He was sentenced to BOP for one year and one day and placed on 3 years supervised release. On May 8, 2001 a petition to revoke his supervised release was filed; on Aug. 2, 2001 an evidentiary hearing was held and the government proved the violations. On Sept 6, 2001, the supervised release was revoked and the defendant was committed to the BOP for an additional term of 18 months, with the Court's recommendation that he participate in programs for both substance abuse and sex offender counseling.

### ***UNITED STATES v. MARTIN ANGELO CAPONE***

*11 Months*

Charge: Second Degree Murder

On July 30, 1990, the defendant was sentenced for the second degree murder of his wife. He was imprisoned for 10 years and placed on 5 years supervised release. On August 8, 2001, a petition to revoke his supervised release was filed alleging the use of alcohol and driving while under the influence of alcohol. On September 27, 2001, defendant admitted all of the allegations in the petition. On October 29, 2001, defendant's supervised release was revoked and he was sentenced to an additional term of 11 months imprisonment. Following his release, he was placed on an additional term of 48 months supervised release, with the special conditions that he consume no alcohol and participate in substance abuse testing and treatment. The additional term of supervised release is important to help defendant address his 40 year history of substance abuse.

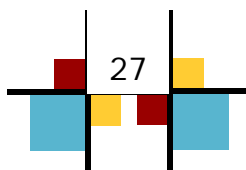
## MISCELLANEOUS

### ***UNITED STATES v. WAYNE EVANS***

*15 months*

Charge: Embezzlement of Tribal Funds

The defendant pled guilty to embezzling \$1.597 million dollars from the Tohono O'odham Nation between 1994 - 1997. The defendant was the general manager of the Farming Authority for the Nation when he authorized payment of \$1.597 million to a corporation which he controlled, which allegedly made repairs to farms on the Tohono O'odham Nation. The defendant also failed to report the income he received in connection with the transactions on his 1996 tax return. The defendant was committed to serve 15 months in federal custody and ordered to pay restitution in the amount of \$158,000.





## CRIMINAL DIVISION



### **UNITED STATES v. DEBRA L. TELESE**

*Sentence Pending*

Charge: Larceny

The defendant pled guilty to Larceny Committed on an Indian Reservation in connection with her embezzlement of over \$164,000 from her employer. During her plea hearing, the defendant admitted that while employed as a manager at Ernie's Smoke Shop, on The Yavapai Apache Indian Reservation, near Camp Verde, she was entrusted with depositing the daily receipts into the store's merchant account. During a period from August 2001 through November 2001, Telese admitted, she took the cash from 67 of the daily deposit bags, rather than deposit it into the store's account. The cash embezzled from Ernie's, a family owned business, totaled \$164,329.58. Sentencing is pending in this matter.

### **UNITED STATES v. STEVEN STAYNER ET. AL.**

*Various Fines & Restitution*

Charges: Lacey Act

Airborne Hunting Act

The Lacey Act is a Federal wildlife law which makes it unlawful to transport, sell, receive, acquire or purchase wildlife which was taken, transported, possessed, or sold in violation of State, Federal, or Indian tribal laws or regulations. The Airborne Hunting Act is a Federal wildlife law which makes it unlawful to shoot animals from an aircraft or to harass animals with an aircraft. The Airborne Hunting Act Regulations prohibits a person, while on the ground, from taking or attempting to take wildlife by means, aid, or use of an aircraft.

The defendant and 10 others were sentenced for various violations of federal wildlife laws stemming from an investigation dubbed "Operation Navajo Buck". The eleven paid a total of \$84,000 in fines, restitution, and penalties and one aircraft was forfeited by the court. The investigation, which began in 1998, focused on several big game guides, based in Utah, Arizona, and New Mexico, who were suspected of unlawfully using aircraft prior to and during hunting seasons to locate deer and elk for hunting clients in Northern Arizona. The investigation also focused on illegal guiding and hunting on the Navajo Indian Reservation. The following individuals were convicted of a Federal criminal violation for unlawful hunting on the Navajo Indian Reservation and sentenced as follows: **Dan Smith, Jr.**, San Jose, CA, was ordered to pay a \$5,000 fine and \$25,000 restitution to the Navajo Department of Wildlife. In a related civil action the Court ordered the forfeiture of a powered parachute aircraft seized from **Smith, Jr.** in April of 2000. **Steven Stayner**, Mesa, AZ, was ordered to pay a \$1,000 fine. A Federal civil action seeking the forfeiture of a powered parachute aircraft owned by **Stayner**, for alleged violations of the Airborne Hunting Act, is currently being litigated; **Kenneth Clint Heiber**, Red Bluff, CA, was ordered to pay a \$5,000 fine and \$25,000 restitution to the Navajo Department of Wildlife. In addition **Heiber** was ordered to abandon a trophy mule deer killed



## CRIMINAL DIVISION



on the Navajo Indian Reservation in December, 1997, and subsequently seized by Agents of the U.S. Fish and Wildlife Service in March of 2000; **Joseph Aggi**, Red Bluff, CA, was ordered to pay a \$2,000 fine and ordered not to hunt for a period of two years; **Samuel S. Jaksick, Jr.**, Reno, NV, was ordered to pay a \$4,500 fine and \$7,500 restitution to the Navajo Department of Wildlife; **Julius Fortuna**, Phoenix, AZ, was ordered to pay a fine of \$2,500; **A. Paul Stewart**, Phoenix, AZ, was ordered to pay a fine of \$2,500. A Federal civil action seeking the forfeiture of a powered parachute aircraft owned by **Stewart**, for alleged violations of the Airborne Hunting Act, is currently being litigated; Mule deer videographer **Ryan S. Hatch**, Kanab, UT, was convicted of a criminal violation of the Lacey Act related to the taking of a mule deer on the Navajo Indian Reservation in 1997. Hatch was sentenced to five years probation and ordered to pay a \$1,000 fine. His conditions of probation require that he be in full compliance with State, Federal, and Tribal regulations when conducting hunting related activities including scouting for game or video taping; The following individuals paid Federal Notices of Violation for unlawful hunting on the Navajo Indian Reservation as follows; **Daniel Smith, III**, San Jose, CA, \$5,000; **Lary Nicolds**, Garland, UT, \$500; **Mark Lefevre**, Tropic, UT, \$500.